

Remarks

This amendment responds to the official action mailed May 31, 2007 and is accompanied by a petition for one month extension under 37 C.F.R. §1.136(a), a Request for Continued Examination, and the required official fees.

Claims 1, 5 and 6 are pending. The remaining claims are withdrawn as nonelected.

Claim 1 was objected to and rejected under 35 USC §112, for phrases that were considered indefinite. Applicant has corrected the matters to which the examiner refers.

The phrase "at which connection" (now at claim 1, line 6) has been canceled. Claim 1 now recites positively that the hollow wall bar is connectable at one end of the hollow wall bar via a water carrying wall connection to a wall water supply.

Additionally, applicant has replaced "an other end" of the hollow wall bar with - - the other end - - as required by the examiner.

The phrase considered unclear at claim 1, lines 3-4 ("a water carrying wall connection at which connection one end of the hollow wall bar is connectable to a wall water supply") has been amended. Claim 1 now definitely recites that - - the hollow wall bar is connectable at one end of the hollow wall bar via a water carrying wall connection to a wall water supply - -.

With these corrections, claims 1, 5 and 6 are definite. No new matter is presented. Reconsideration and withdrawal of the rejections are requested.

Claim 1 as amended also patentably distinguishes over the prior art of record. Claims 1, 5 and 6 were rejected as anticipated by Fan (5,749,552). According to the examiner, claim 1 as formerly presented would read on Fan (see Fig. 1), if fitting 47 is considered a "hollow wall bar" as mentioned in claim 1.

Claim 1 has been amended to more particularly and distinctly define the invention and to better distinguish over the prior art. Claim 1 now particularly defines the hollow bar as running parallel to the wall surface, and supporting the sliding holder of the hand shower. In Fan, post 56 runs parallel to the wall surface and supports the

hand shower bracket 52. Fitting 46 in Fan does not run parallel to the wall surface or support a sliding holder.

Claim 1 as amended also recites that the hollow bar is connected at one end to the wall water supply, connected at the other end to the shower coupling, and supplies water through the hollow wall bar to the shower coupling. These aspects are not disclosed or suggested by Fan. Fan has only a mechanical attachment between a post 56 and the fitting 47. The fitting 47 defines the only flow path shown or suggested to be associated with the wall connection and wall water supply and leads to the fixed shower head 42 by running perpendicular to the wall.

There is no disclosure or suggestion in Fan that a water flow path could or should be arranged through a wall bar that runs parallel to the wall and supports the sliding support for the hand shower.

In claim 1 as amended, the nipple part 47 of Fan cannot be deemed a hollow wall bar as claimed. The nipple is does not run along the wall surface. It is not configured to support a sliding holder for a hand shower. A clean copy version of claim 1 is as follows:

A shower arrangement, comprising:

a hollow wall bar running parallel to a wall surface and configured for fixing a hand shower having a sliding holder, along the hollow wall bar,

wherein the hollow wall bar is connectable at one end of the hollow wall bar via a water carrying wall connection to a wall water supply, and,

wherein the hollow wall bar comprises at the other end of the hollow wall bar at least one shower coupling,

such that the shower coupling is supplied with water through the hollow wall bar.

Fan does not disclose the invention claimed as a whole. Reconsideration and withdrawal are requested of the rejection under 35 U.S.C. §102.

The differences between the invention and Fan are such that the subject matter claimed as a whole is not shown to have been obvious. Fan fails to suggest any possibility of using post 56 for anything except a mechanical supporting post. The prior

art is considered deficient according to Fan because it is necessary to drill holes in the shower wall, as shown in Fig. 5, to mechanically support the wall bar that carries the slider for the hand shower. Fan's solution is to attach the top end of the wall bar mechanically at the pipes leading from the wall connection to the fixed shower head and to provide a suction cup to mechanically prevent movement of the other end of the wall bar (the lower end as shown) relative to the wall. These are strictly mechanical mountings. There is no disclosure or suggestion in Fan of a water flow connection that involves the wall rod in any way whatsoever. Allowance of claim 1 is therefore requested.

Pending claims 5 and 6 further define the invention and are allowable by dependence on claim 1 and for the inventions respectively defined by these claims as a whole. In claim 5, the shower coupling at the other end (e.g., the lower end) of the hollow bar specifically attaches to the shower hose, thus supplying the hand shower through the wall bar. Claim 6 specifically defines an adjustable shower, supplied with water through the wall bar.

In none of Fan's embodiments and nowhere in the Fan patent, is a fluid connection disclosed or suggested between the water pipe 46 in the wall, and the wall bar 56 that holds the shower slider and extends parallel to the wall. Fan teaches mechanical connections that as structured would preclude the possibility of fluid flow. There is a threaded connection in Fig. 1 and a shear pin connection in Fig. 4, but these involve closed bores. The wall bar 56' is shown as hollow in Fig. 4, but throughout Fan is termed a "post," thus denoting a mechanical support. There is no basis to infer that post 56 could or advantageously should be used for a water flow path.

Additional prior art references were cited earlier but have not been relied upon in the present official action. Applicant hereby incorporates the arguments presented in the amendment filed March 13, 2007 with respect to these additional references. The prior art including Fan and such references, even if routinely combined, would not meet the invention as a whole defined in claim 1 as amended.

Therefore, applicant requests allowance of claims 1, 5 and 6. Applicant also requests rejoinder and allowance of nonelected claims 2-4 and 7-21, which recite additional features that can be included according to the invention for providing controls,

side-shower spray devices and other features along the flow path defined by the hollow wall bar as particularly and distinctly defined in claims 1.

Respectfully submitted,

Date: September 28, 2007

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Attorney Docket No. D4700-00386
(P 42560 US)